

DECLARATION (37 CFR §1.63) AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, and

I believe I am a joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled "Antimicrobial Quinolone Derivatives and Use of the Same to Treat Bacterial Infections", Docket No. 28341/6304.N, the specification of which

- is attached hereto.
- was filed on November 29, 2001 as Application Serial No.09/996,927.
- was filed on _____ as PCT International Application No. _____ and was amended under PCT Article 19 on _____, if applicable.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 CFR §1.56(a).

I hereby claim the benefit under 35 USC §119(e) of any United States provisional application(s) listed below:

<u>Application Serial No.</u>	<u>Filing Date (Day/Month/Year)</u>
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60/257,904	21 December 2000
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I hereby claim foreign priority benefits under 35 USC §119(a)-(d), or §365(b), of any foreign application(s) for patent or inventor's certificate or §365(a) of any PCT International Application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT International Application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application on which priority is claimed:

<u>Application Serial No.</u>	<u>Country</u>	<u>Filing Date (Day/Month/Year)</u>	<u>Priority Claimed (Yes/No)</u>
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I hereby claim the benefit under 35 USC §120, of any United States application(s) or PCT International Application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of 35 USC

the prior United States application(s) in the manner provided by the first paragraph of 35 USC §112, I acknowledge the duty to disclose material information as defined in 37 CFR §1.56(a), which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status (Patented, Pending, Abandoned)</u>
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint Carl W. Battle (Registration No. 30,731), James D. Darnley, Jr. (Registration No. 33,673), Bruce Stein (Registration No. 27,231), Thomas A. Wootton (Registration No. 35,004), Lucy X. Yang (Registration No. 40,259), Andrew M. Solomon (Registration No. 32,175), Edward F. Rehberg (Registration No. 34,703), Ellen Park (Registration No. 34,055), Bruce A. Pokras (Registration No. 32,748), John B. Lungmus (Registration No. 18,566) Alvin D. Shulman (Registration No. 19,412), Allen H. Gerstein (Registration No. 22,218), Nate F. Scarpelli (Registration No. 22,320), Michael F. Borun (Registration No. 25,447), Trevor B. Joike (Registration No. 25,542), Carl E. Moore, Jr. (Registration No. 26,487), Richard H. Anderson (Registration No. 26,526), Patrick D. Ertel (Registration No. 26,877), Richard B. Hoffman (Registration No. 26,910), James P. Zeller (Registration No. 28,491), Kevin D. Hogg (Registration No. 31,839), Jeffrey S. Sharp (Registration No. 31,879), Martin J. Hirsch (Registration No. 32,237), James J. Napoli (Registration No. 32,361), Richard M. La Barge (Registration No. 32,254), Douglass C. Hochstetler (Registration No. 33,710), Robert M. Gerstein (Registration No. 34,824), James A. Flight (Registration No. 37,622), Roger A. Heppermann (Registration No. 37,641), David A. Gass (Registration No. 38,153), Gregory C. Mayer (Registration No. 38,238), Joseph A. Williams, Jr. (Registration No. 38,659), William K. Merkel (Registration No. 40,725), Audrey Bartnicki (Registration No. 40,499) and Mark H. Hopkins (Registration No. 44,775) all registered to practice before the Patent and Trademark Office as my attorneys or agents with full power of substitution and revocation to prosecute this application and all divisions and continuations thereof and to transact all business in the Patent and Trademark Office connected therewith and request that all correspondence and telephone communications be directed to the following person(s) at the mailing address and telephone number hereafter given:

Name	:	Mark H. Hopkins
Registration No.	:	44,775
Address	:	Registered Patent Agent MARSHALL, GERSTEIN & BORUN 6300 Sears Tower 233 South Wacker Drive Chicago, Illinois 60606-6402
Telephone No.	:	(312) 474-6300
Telefax No.	:	(312) 474-0448

Inventor's Signature Mikhail F. Gordeev Date Jan. 3, 2002

Full name of sole or first inventor: Mikhail F. Gordeev

Residence: Castro Valley, CA Citizenship: United States

Post Office Address: 5072 Stone Canyon Drive, Castro Valley, CA 94552

Inventor's Signature Dinesh V. Patel Date Jan 03, 2002

Full name of second joint inventor: Dinesh V. Patel

Residence: Fremont, CA Citizenship: United States

Post Office Address: 45109 Cougar Circle, Fremont, CA 94539

Inventor's Signature _____ Date _____

Full name of third joint inventor: Michael R. Barbachyn

Residence: Kalamazoo, MI Citizenship: United States

Post Office Address: 2900 Redbud Trail, Kalamazoo, MI 49009

Inventor's Signature _____ Date _____

Full name of fourth joint inventor: James R. Gage

Residence: Portage, MI Citizenship: United States

Post Office Address: 341 Point-O-Woods Drive, Portage, MI 49002

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Application Serial No. Filing Date (Day/Month/Year)

60/257,904

21 December 2000

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<u>Application Serial No.</u>	<u>Country</u>	<u>Filing Date (Day/Month/Year)</u>	<u>Priority Claimed (Yes/No)</u>
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I hereby claim the benefit under 35 USC §120, of any United States application(s) or PCT International Application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of 35 USC

the prior United States application(s) in the manner provided by the first paragraph of 35 USC §112, I acknowledge the duty to disclose material information as defined in 37 CFR §1.56(a), which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

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Name	:	Mark H. Hopkins
Registration No.	:	44,775
		Registered Patent Agent
Address	:	MARSHALL, GERSTEIN & BORUN
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		233 South Wacker Drive
		Chicago, Illinois 60606-6402
Telephone No.	:	(312) 474-6300
Telefax No.	:	(312) 474-0448

Inventor's Signature _____ Date _____

Full name of sole or first inventor: Mikhail F. Gordeev

Residence: Castro Valley, CA Citizenship: United States

Post Office Address: 5072 Stone Canyon Drive, Castro Valley, CA 94552

Inventor's Signature _____ Date _____

Full name of second joint inventor: Dinesh V. Patel

Residence: Fremont, CA Citizenship: United States

Post Office Address: 45109 Cougar Circle, Fremont, CA 94539

Inventor's Signature Michael R. Barbachyn Date 12/11/01

Full name of third joint inventor: Michael R. Barbachyn

Residence: Kalamazoo, MI Citizenship: United States

Post Office Address: 2900 Redbud Trail, Kalamazoo, MI 49009

Inventor's Signature James R. Gage Date 10 December 2001

Full name of fourth joint inventor: James R. Gage

Residence: Portage, MI Citizenship: United States

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